

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CLIFFORD J. KAROLSKI,	)	
	)	
Plaintiff,	)	Civil Action No. 2: 14-cv-0451
	)	
v.	)	United States District Judge
	)	Mark R. Hornak
	)	
BEAVER COUNTY JAIL / PRISON,	)	United States Magistrate Judge
	)	Cynthia Reed Eddy
Defendant.	)	

**MEMORANDUM ORDER**

The above captioned case was initiated by the filing of a motion to proceed *in forma pauperis* (ECF No. 1) on April 8, 2014, and was referred to a United States Magistrate Judge for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and the Local Rules of Court. On July 29, 2014, the motion to proceed *in forma pauperis* was granted and the Complaint was filed the following day (ECF No. 9).

On July 31, 2014, the Magistrate Judge filed a Report and Recommendation (ECF No. 10) recommending that the Complaint be dismissed pursuant to 28 U.S.C. §§ 1915(e)(2) and 1915A, as the Complaint fails to state a claim on which relief may be granted. Additionally, it was recommended that this lawsuit be dismissed based on Plaintiff's failure to comply with the Court's Orders of May 14, 2014 and June 26, 2014, in which Plaintiff was ordered to file an Amended Complaint on or before July 14, 2014, and was advised that failure to do so may result in the current operative Complaint being dismissed for failure to state a claim upon which relief can be granted and/or for failure to prosecute.

Plaintiff was served with the Report and Recommendation at his listed address and was advised that he had until August 18, 2014, to file written objections to the Report and

Recommendation. To date, Plaintiff has not filed any objections nor has he sought an extension of time in which to do so.

As explained in the Report and Recommendation, Beaver County Jail / Prison lacks capacity to be sued under § 1983. By Orders of May 14, 2014 and June 26, 2014, Plaintiff was informed that his Complaint was subject to dismissal for failure to state a claim. Following the United States Court of Appeals instructions in *Alston v. Parker*, 363 F.3d 229, 235 (3d Cir. 2004), Plaintiff was granted leave until July 14, 2014, to file a curative amendment. See ECF Nos. 2 and 4. To date, Plaintiff has not filed an Amended Complaint.

After de novo review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered:

AND NOW, this 26<sup>th</sup> day of August, 2014,

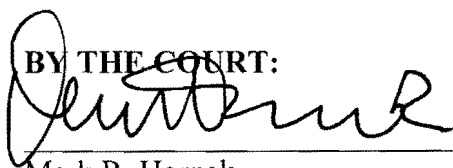
**IT IS ORDERED** that this action is dismissed pursuant 28 U.S.C. §§ 1915(e)(2)(B)(ii) and 1915A for failure to state a claim upon which relief may be granted.

**IT IS FURTHER ORDERED** that the Report and Recommendation (ECF. No. 10) dated July 31, 2014, is **ADOPTED** as the Opinion of the Court.

**IT IS FURTHER ORDERED** that the Clerk of Court mark this case **CLOSED**.

**AND IT IS FURTHER ORDERED** that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

BY THE COURT:



Mark R. Hornak  
United States District Judge

cc: Clifford J. Karolski  
Beaver County Jail  
6000 Woodlawn Blvd.  
Aliquippa, PA 15001